

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,386

Filed: December 12, 2001

For: **PRO1325 NUCLEIC ACIDS**

) Examiner: Landsman, Robert S.

) Art Unit: 1647

) Confirmation No: 9794

) Attorney's Docket No. 39780-2830 P1C55

) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 993 636 763 US

DATE MAILED: MARCH 14, 2005

**AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312**

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, a Notice of Allowance was mailed on February 24, 2005, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please **delete** the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

<b>Kevin P. Baker</b>	<b>David Botstein</b>
<b>Dan L. Eaton</b>	<b>Napoleone Ferrara</b>
<b>Sherman Fong</b>	<b>Wei-Qiang Gao</b>
<b>J. Christopher Grimaldi</b>	<b>Kenneth J. Hillan</b>
<b>James Pan</b>	<b>Nicholas F. Paoni</b>
<b>Margaret Ann Roy</b>	<b>Victoria Smith</b>
<b>Timothy A. Stewart</b>	<b>Daniel Tumas</b>
<b>P. Mickey Williams</b>	

03/17/2005 MAHME1 00000040 081641 10015386

01 FC:1464 130.00 DA

Upon entering the present amendment, Luc Desnoyers, Audrey Goddard, Paul J. Godowski, Austin Gurney, Colin K. Watanabe and William I. Wood remain named inventors in this case.

Please charge the fee of **\$130.00** and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. **08-1641**, referencing Attorney's Docket No. **39780-2830 P1C55**. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: March 14, 2005

By:   
Anna L. Barry (Reg. No. 51,436)

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

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3/14/05 11:54 AM (39780.2830)

03/16/05

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Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

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MAR 14 2005

**TRANSMITTAL  
FORM**

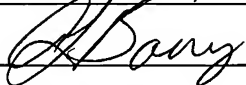
(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/015,386
		Filing Date	DECEMBER 12, 2001
		First Named Inventor	KEVIN P. BAKER
		Group/Art Unit	1647
		Examiner Name	LANDSMAN, ROBERT S.
Total Number of Pages in This Submission	4	Attorney Docket Number	39780-2830 P1C55


**ENCLOSURES (check all that apply)**☒ **FEE TRANSMITTAL FORM**☐ Fee Attached☐ Amendment / Response☐ After Final☐ Version With Markings Showing Changes☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Copy of Notice☐ Copy of an Assignment☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition☐ Petition to Convert to a Provisional Application☒ **AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312**☐ Terminal Disclaimer☐ Small Entity Statement☐ Request for Refund☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ **ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):**☒ **STAMPED RETURN POSTCARD**

Remarks

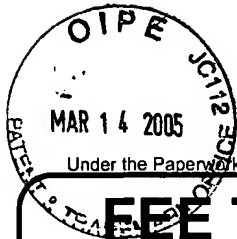
**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C55.****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual name	HELLER EHRMAN WHITE & McAULIFFE LLP		ANNA L. BARRY (Reg. No. 51,436)	
	275 Middlefield Road, Menlo Park, California 94025		Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature				
Date	MARCH 14, 2005	Customer Number:	35489	

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Typed or printed name	C. FONG		
Signature		Date	MARCH 14, 2005

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PTO/SB/17 (12-04)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)**130.00****Complete if Known**

Application Number	10/015,386
Filing Date	DECEMBER 12, 2001
First Named Inventor	KEVIN P. BAKER
Examiner Name	LANDSMAN, ROBERT S.
Art Unit	1647
Attorney Docket No.	39780-2830 P1C55

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name**08-1641 (39780-2830 P1C55)****HELLER EHRMAN WHITE & McAULIFFE LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
<b>SUBTOTAL (1)</b>				<b>(\$)</b>	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X	<input type="text"/>	= <input type="text"/>
Multiple Dependent					<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)****(\$)**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**130.00****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	<b>ANNA L. BARRY</b>	Registration No. (Attorney/Agent)	<b>51,436</b>	Telephone	<b>(650) 324-7000</b>
Signature		Date	<b>MARCH 14, 2005</b>		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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